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Agenda item 152

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Joško **Klisović** (Croatia)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-fourth session of the General Assembly pursuant to Assembly resolution 53/98 of 8 December 1998.

2. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 30th and 36th meetings, on 12 and 19 November 1999. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/54/SR.30 and 36).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Working Group of the International Law Commission on jurisdictional immunities of States and their property;[1]

(b) Report of the Secretary-General (A/54/266);

(c) Report of the Chairman of the Working Group of the Sixth Committee (A/C.6/54/L.12).

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* and corrigenda (A/54/10 and Corr.1 and 2), annex.

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5. The General Assembly in its resolution 53/98 decided to establish at its fifty-fourth session an open-ended working group of the Sixth Committee, open also to participation by States members of the specialized agencies, to consider outstanding substantive issues related to the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission, taking into account the recent developments of State practice and legislation and any other factors related to the issue since the adoption of the draft articles, as well as the comments submitted by States in accordance with paragraph 2 of General Assembly resolution 49/61 of 9 December 1994 and paragraph 2 of Assembly resolution 52/151 of 15 December 1997, and to consider whether there were any issues identified by the working group upon which it would be useful to seek further comments and recommendations of the Commission.

6. At its 2nd meeting, on 27 September, the Sixth Committee elected Gerhard Hafner (Austria) Chairman of the Working Group. The Working Group held four meetings, on 8 and 9 November.

7. At the 30th meeting, on 12 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/54/L.12 and A/C.6/54/SR.36).

II. Consideration of draft resolution A/C.6/54/L.19 and Corr.1

8. At the 36th meeting, on 19 November, the representative of Japan and coordinator of the informal consultations introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/54/L.19 and Corr.1).

9. The representative of Germany made a statement before the adoption of the draft resolution (see A/C.6/54/SR.36).

10. At the same meeting, the Committee adopted draft resolution A/C.6/54/L.19 and Corr.1 without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 53/98 of 8 December 1998,

Having considered the report of the Working Group of the International Law Commission on jurisdictional immunities of States and their property, annexed to the report of the Commission on the work of its fifty-first session,[2]

Also having considered the oral report made to the Sixth Committee by the Chairman of the open-ended working group of the Committee established under resolution 53/98,[3]

[2] Ibid.

[3] See A/C.6/54/L.12 and A/C.6/54/SR.36.

Further having considered the report of the Secretary-General,[4]

1. *Takes note with appreciation* of the report of the Working Group of the International Law Commission on jurisdictional immunities of States and their property, annexed to the report of the Commission on the work of its fifty-first session;[1]

2. *Urges* States, if they have not yet done so, to submit their comments to the Secretary-General in accordance with General Assembly resolution 49/61 of 9 December 1994, and also invites States to submit in writing to the Secretary-General, by 1 August 2000, their comments on the report of the Working Group;[2]

3. *Decides* that the open-ended working group of the Sixth Committee established under resolution 53/98 will continue its work at the fifty-fifth session of the General Assembly to consider the future form of, and outstanding substantive issues related to, the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session;[5]

4. *Also decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[4] A/54/266.

[5] *Yearbook of the International Law Commission, 1991*, vol. II (Part Two), document A/46/10, para. 28.